IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 723 of 2006(J)

PETITIONER:

DR.REETHAMMA.O.V.,
LECTURER SELECTION GRADE, DEPARTMENT OF ZOOLOGY,
ASSUMPTION COLLEGE, CHANGANASERRY,
KOTTAYAM DISTRICT.

BY ADV. SRI.B.MOHANLAL
SMT.MEREENA JOSEPH
SMT.M.M.POORNIMA

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT, HIGHER EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOTTAYAM.

3. THE REGISTRAR, MAHATMA GANDHI
UNIVERSITY, KOTTAYAM.

R1 BY GOVT. PLEADER (SHRI D. ANIL KUMAR)

BY ADV. SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.723 OF 2006 J

PETITIONER'S EXHIBITS:

EXT.P1	**TRUE COPY OF THE ORDER NO.AC. B1. 2/2055/94 DATED 20.3.1995 ISSUED BY THIRD RESPONDENT.**
EXT.P2	**TRUE COPY OF THE ORDER NO.A.C.BV.3/115/99 DATED 2.11.1999 ISSUED BY THIRD RESPONDENT TO PETITIONER.**
EXT.P3	**TRUE COPY OF THE ORDER NO.AC.BV.(4)/254/04 DATED 14.9.2004 ISSUED BY THIRD RESPONDENT TO PETITIONER.**

//TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C NO. 723 OF 2006 J

Dated this the 27th November, 2006

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner was placed in the post of Lecturer Senior Scale and it was approved by Ext.P2. Thereafter, she was placed in the post of Lecturer Selection Grade vide Ext.P3 with effect from 7.6.2002. According to petitioner, she has satisfied the conditions in the Government Order dated 21.12.1999. Salary Bills were forwarded through the Principal to second respondent. But, he forwarded the matter to the Director of Collegiate Education for further clarification. Petitioner relies on the dictum of this Court in Cherian Mathew v. Principal, S.B. College, Chenganassery (1998 (2) KLT 144) and Jayaprasad v. State of Kerala & Another (2003 (2) KLJ 189).

2. A Counter Affidavit has been filed by second

respondent, taking the stand that three Teachers are excess. In view of the decision in Jayaprasad v. State of Kerala & Another (2003 (2) KLJ 189), the Writ Petition is disposed of as follows:

Second respondent will place his objections to Ext.P3 before third respondent within a period of one month from the date of receipt of a copy of this Judgment. Third respondent will meticulously consider the objections and take a reasoned decision in accordance with law within one month from the date of receipt of the objections from second respondent. The decision taken shall be communicated to petitioner and second respondent. If the decision taken by third respondent is to reiterate Ext.P3, the decision in Cherian Mathew v. Principal, S.B. College, Chenganassery (1998 (2) KLT 144) as followed in Jayaprasad v. State of Kerala & Another (2003 (2) KLJ 189), shall apply and consequential action to disburse the monetary benefits due

to petitioner in accordance with law, shall be taken without any delay.

K. M. JOSEPH, JUDGE

kbk.